

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

HAKIM M. WAHID, )  
Plaintiff, )  
v. ) No. 06-4170-CV-C-SOW  
COLE COUNTY, MISSOURI, et al., )  
Defendants. )

## **ORDER**

On August 31, 2006, the United States Magistrate Judge recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on September 11 and 26, 2006. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. Plaintiff's exceptions do not show he has been actually prejudiced in any pending case, unable to file a new meritorious case, or been unable to bring his problems with access to legal materials to the attention of the relative courts. Further, plaintiff acknowledges he has a court-appointed public defender representing him in his pending criminal case.

Additionally, on September 11 and October 23, 2006, plaintiff provided the court with changes of address, so it is possible he is no longer being held in the Cole County Jail and is not subject to the conditions about which he complains.

After careful consideration, the court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of

appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's August 31, 2006 Report and Recommendation is adopted [7]. It is further

ORDERED that plaintiff's claims are dismissed, pursuant to the provisions of 28 U.S.C. § 1915A, for failure to state a claim for which relief can be granted.

/s/Scott O. Wright  
SCOTT O. WRIGHT  
Senior United States District Judge

Dated: November 6, 2006